

House Bill 1169

By: Representatives Drenner of the 86th, Henson of the 87th, Gardner of the 57th, Benfield of the 85th, and Orrock of the 58th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to prestige license plates and special plates for certain persons and vehicles, so as to
3 provide for special license plates promoting the AIDS Survival Project and related activities;
4 to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and
5 disposition of funds relative to such license plates; to provide for related matters; to provide
6 for a contingent effective date; to provide for automatic repeal under certain circumstances;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
11 prestige license plates and special plates for certain persons and vehicles, is amended by
12 adding a new Code Section 40-2-86.18 to read as follows:

13 "40-2-86.18.

14 (a) In order to promote the AIDS Survival Project and activities directly in support thereof,
15 there shall be issued beginning January 1, 2007, special license plates promoting the AIDS
16 Survival Project, subject to the conditions set forth in this Code section.

17 (b) The commissioner shall design special distinctive license plates appropriate to promote
18 the AIDS Survival Project. The license plates shall be of the same size as general issue
19 motor vehicle license plates and shall include a unique design and identifying number,
20 whereby the total number of characters does not exceed six. No two recipients shall
21 receive identically numbered plates. The graphic on the special license plate shall be
22 placed to the left of the alphanumeric characters and shall be no larger than three inches
23 by three inches. The AIDS Survival Project may request the assignment of the first of 100
24 in a series of license plates upon payment of an additional initial registration fee of \$25.00
25 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received any licenses or other permissions that may be required to implement this Code section. The design of the initial edition of the license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Beginning in calendar year 2007, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle registration fee shall be issued a license plate promoting the AIDS Survival Project. Revalidation decals shall be issued for such license plates in the same manner as provided for general issue license plates.

(e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the license plates authorized under this Code section, \$2.00 shall be used by the department for manufacturing and purchase costs, \$13.00 shall be paid to the general fund of the state treasury, and \$10.00 shall be exclusively dedicated for the purpose of assisting programs committed to providing people living with HIV the information and support they need to live healthy and productive lives, pursuant to Article III, Section IX, Paragraph VI(n) of the Constitution. Such dedicated funds shall be appropriated for such purpose to the Department of Human Resources or such other public agency as may be specified in the general or amended general appropriations Act. The agency or organization ultimately making use of such funds shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. Any audit performed under Chapter 6 of Title 50 shall meet this auditing requirement. If an audit demonstrates that the funds are not being used for the purposes set forth in this Code section or if the required audit or evidence is not provided to the commissioner, then the commissioner shall so notify the House and Senate Appropriations Committees. Any funds appropriated pursuant to this Code section shall not lapse.

(2) Subject to the general appropriations process, it is the intent of the General Assembly in the enactment of this Code section that the funds dedicated by this subsection be made available for the ultimate use of a nonprofit organization. Subject to the general appropriations process and the audit requirements of this Code section, it is contemplated that such dedicated funds will be for the ultimate use of the AIDS Survival Project, if the General Assembly finds that the license plate program and appropriation authorized by this Code section will benefit both the state and the nonprofit organization having the ultimate use of the dedicated funds.

(f) An applicant may request an AIDS Survival Project license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the AIDS Survival Project license plate shall be issued with appropriate decals attached.

(g) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt of at least 1,000 applications. The special license plate shall have an application period of two years after January 1, 2007, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(h) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the five-year period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the five-year period as provided in subsection (b) of Code Section 40-2-31, manufacture of the license plates shall not be continued until the commissioner receives 1,000 applications.

(i) AIDS Survival Project license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(j) AIDS Survival Project license plates shall be issued within 30 days of application once the requirements of this Code section have been met."

SECTION 2.

This Act shall become effective on January 1, 2007; provided, however, that this Act shall only become effective on January 1, 2007, upon the ratification of a resolution at the November, 2006, state-wide general election, which resolution amends the Constitution of the State of Georgia so as to authorize the dedication of revenue from the sales of license plates to a general purpose relating to the nature of the special license plate. If such resolution is not ratified, this Act shall not become effective and shall stand repealed in its entirety on January 1, 2007, and no such motor vehicle license plates shall be issued pursuant to this Act.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.